



General Assembly

January Session, 2005

Raised Bill No. 1226

LCO No. 4159

04159_____HS_

Referred to Committee on Human Services

Introduced by:
(HS)

***AN ACT CONCERNING PRIOR AUTHORIZATION REQUIREMENTS
FOR PRESCRIPTION DRUGS IN MEDICAL ASSISTANCE PROGRAMS
ADMINISTERED BY THE DEPARTMENT OF SOCIAL SERVICES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 17b-274 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (c) The Commissioner of Social Services shall implement a
5 procedure by which a pharmacist shall obtain approval from an
6 independent pharmacy consultant acting on behalf of the Department
7 of Social Services, under an administrative services only contract,
8 whenever the pharmacist dispenses a brand name drug product to a
9 Medicaid, state-administered general assistance, or ConnPACE
10 recipient and a chemically equivalent generic drug product
11 substitution is available. [provided such procedure shall not require
12 approval for other than initial prescriptions for such drug product.]
13 The length of authorization for brand name drugs shall be in
14 accordance with section 17b-491a, as amended by this act. In cases
15 where the brand name drug is less costly than the chemically

16 equivalent generic drug when factoring in manufacturers' rebates, the
 17 pharmacist shall dispense the brand name drug. If such approval is not
 18 granted or denied within two hours of receipt by the commissioner of
 19 the request for approval, it shall be deemed granted. Notwithstanding
 20 any provision of this section, a pharmacist shall not dispense any
 21 initial maintenance drug prescription for which there is a chemically
 22 equivalent generic substitution that is for less than fifteen days without
 23 the department's granting of prior authorization, provided prior
 24 authorization shall not otherwise be required for atypical antipsychotic
 25 drugs if the individual is currently taking such drug at the time the
 26 pharmacist receives the prescription. The pharmacist may appeal a
 27 denial of reimbursement to the department based on the failure of
 28 such pharmacist to substitute a generic drug product in accordance
 29 with this section.

30 Sec. 2. Subsection (a) of section 17b-491a of the general statutes is
 31 repealed and the following is substituted in lieu thereof (*Effective from*
 32 *passage*):

33 (a) The Commissioner of Social Services may establish a plan, in
 34 accordance with this subsection, for the prior authorization of [(1)] any
 35 [initial] prescription for a drug covered under the Medicaid, state-
 36 administered general assistance, or ConnPACE program, [that costs
 37 five hundred dollars or more for a thirty-day supply, or (2)] including
 38 (1) any early refill of a prescription drug covered under any of said
 39 programs, and (2) brand name drug products when a chemically
 40 equivalent generic drug product substitution is available. The plan
 41 shall provide that (A) the authorization for any maintenance drug shall
 42 be for the life of the therapy, except that if a new chemically equivalent
 43 generic drug becomes available, prior authorization will be required
 44 for a subsequent prescription for such maintenance drug; (B) the
 45 authorization for a nonmaintenance drug and any refills permitted by
 46 state or federal law shall be valid for up to six months from the date
 47 the original prescription is filled; and (C) the authorization for
 48 schedule II controlled substances will be permitted for multiple

49 prescriptions, for up to six months from the date the original
50 prescription is filled, if the prescriber certifies the recipient is under the
51 prescriber's ongoing care and requires the drug on a long term-basis.
52 The Commissioner of Social Services shall establish a procedure by
53 which prior authorization under this subsection shall be obtained from
54 an independent pharmacy consultant acting on behalf of the
55 Department of Social Services, under an administrative services only
56 contract. If prior authorization is not granted or denied within two
57 hours of receipt by the commissioner of the request for prior
58 authorization, it shall be deemed granted.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	17b-274(c)
Sec. 2	<i>from passage</i>	17b-491a(a)

Section 1	<i>from passage</i>	17b-274(c)
Sec. 2	<i>from passage</i>	17b-491a(a)

Statement of Purpose:

To clarify existing statutes governing prior authorization requirements for prescription drugs in medical assistance programs administered by the Department of Social Services.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]